

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Circular Postmark: SEP 21 2004)

Applicants : Wahlstrom et al.

Filed : July 24, 2003

Application No. : 10/627,192

For : SYSTEM AND METHOD OF ASSIGNING PRIORITY TO
REMOTE UNITS IN A COLLISION FREE MULTIPLE
ACCESS PROTOCOL

Docket No. : 101948069US1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.47(A) TO FILE THE
ABOVE IDENTIFIED APPLICATION WHICH ONE JOINT INVENTOR
REFUSED TO SIGN OR CANNOT BE REACHED

Sir:

1. This is a petition to file, under 37 CFR 1.47, the above-identified application, in which one joint inventor cannot be reached or refuses to sign.

2. The petition is made on behalf of the other joint inventor and the one joint inventor who cannot be reached or refuses to sign (M.P.E.P. 409.03(a)).

3. The inventor who cannot be reached or refuses to sign is:

Don Wahlstrom, whose last known address is:
16536-189th Avenue N.E.
Woodinville, WA 98072

4. The one joint inventor's conduct constitutes a refusal to sign, or at least indicates that he cannot be reached, as evidenced by the attached three Declarations of

Facts by Sandra Reisman, Lana Anthony, and Christopher Daley-Watson. Ms. Reisman, Ms. Anthony, and Mr. Daley-Watson are each "the person to whom refusal was made" or who determined that Don Wahlstrom could not be reached (M.P.E.P. 409.03(a) and 409.03(d)). Accordingly, your petitioner respectfully requests that the Commissioner grant this petition under 37 C.F.R. 1.47(a).

5. A Declaration and Oath signed by all available joint inventors is being filed concurrently herewith. (37 C.F.R. 1.63 & 37 C.F.R. 1.64).

6. A copy of the Assignment signed by all available joint inventors is enclosed and will be presented for recording to the United States Patent Office concurrently herewith.

7. An Election Under 37 C.F.R. §§ 3.71 and 3.73 and Power of Attorney form is being filed concurrently herewith.

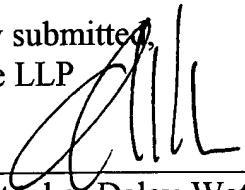
8. A copy of the United States Patent and Trademark Office Notice of Recordation of Assignment Document executed on October 10, 2002 for the parent provisional application (Serial No. 60/399,042) is being filed concurrently herewith. Attached to the Notice of Recordation of Assignment is an Assignment signed by Don Wahslstrom, the inventor who refuses to sign or cannot be reached.

9. A Petition for Extension of Time for this application is being filed concurrently with this Petition. Accordingly, this application is properly pending.

10. A Petition fee in the amount of \$130 in accordance with 37 C.F.R. 1.17(h) is also enclosed herewith. The Commissioner is authorized to charge any deficiency or credit any overpayments to Deposit Account No. 50-0665.

11. Please address all correspondence to the undersigned.

Respectfully submitted,
Perkins Coie LLP



Christopher Daley-Watson
Registration No. 34,807

Dated: September 21, 2004

Correspondence Address:
Customer No. 30083
Perkins Coie LLP/AWS
P.O. Box 1247
Seattle, Washington 9811-1247
(206) 359-3599



EXPRESS MAIL NO. EV522671995US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Wahlstrom et al.
Filed : July 24, 2003
Application No. : 10/627,192
For : SYSTEM AND METHOD OF ASSIGNING PRIORITY TO
REMOTE UNITS IN A COLLISION FREE MULTIPLE
ACCESS PROTOCOL

Docket No. : 101948069US1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF FACTS UNDER 37 CFR 1.47(A)

Sir:

I, Sandra Reisman, hereby declare and say that:

1. I am one of the paralegals who have assisted Attorney Christopher Daley-Watson at Perkins Coie LLP in the prosecution of the above patent application.

2. I am familiar with and have first-hand knowledge of the facts recited below.

3. A bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings and oath or declaration) to the non-signing inventor Don Wahlstrom for his signature. (M.P.E.P. 409.03(d)). The exact facts which are relied upon to establish this bona fide attempt to have the joint inventor, Don Wahlstrom, sign the Declaration are as follows:

a. On August 2, 2004, I sent a letter via Federal Express to Mr. Donald P. Wahlstrom at the following address:

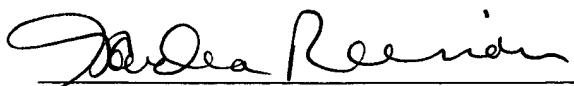
Mr. Donald P. Wahlstrom
16536-189th Avenue N.E.
Woodinville, WA 98072

(See Exhibit A.) The August 2, 2004 letter included an Assignment and Declaration as well as a copy of the patent application. We received delivery confirmation attesting the delivery of our letter to Donald P. Wahlstrom the following day, August 3, 2004. (See Exhibit B). No response has been received from Donald P. Wahlstrom.

5. Based on the foregoing, and copies of the documentary evidence submitted herewith, it is clear that the inventor's conduct constitutes either a refusal to sign or an unavailability of an inventor under 37 C.F.R. 1.47(a).

The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issued thereon.

Dated this 21st day of September, 2004.



Sandra Reisman
Sandra Reisman
Patent Paralegal
Perkins Coie LLP
P.O. Box 1247
Seattle, WA 98111-1247
(206) 359-3744

EXHIBIT A

Perkins
Coie

SANDY REISMAN, Senior Paralegal
(206) 359-3744
reisman@perkinscoie.com

SEP 21 2004



August 2, 2004

1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
PHONE: 206.359.8000
FAX: 206.359.9000
www.perkinscoie.com

Via Overnight Courier

Mr. Donald P. Wahlstrom
16536-189th Avenue N.E.
Woodinville, WA 98072

**Re: U.S. Patent Application No. 10/627,192
SYSTEM AND METHOD OF ASSIGNING PRIORITY TO REMOTE
UNITS IN A COLLISION FREE MULTIPLE ACCESS PROTOCOL
Our Docket No.: 10194-8069US1
AT&T Reference: 798.US**

Dear Mr. Wahlstrom:

In accordance with your conversation this morning with Christopher Daley-Watson, enclosed are an Assignment and Declaration pertaining to the above-identified patent application, a copy of which is also enclosed, along with a return envelope.

Please execute the documents and return them to us for filing with the U.S. Patent and Trademark Office prior to August 21, 2004. The Assignment should be executed before a notary public.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

Sandy Reisman
Senior Paralegal

Enclosures:

Assignment
Declaration
Copy of Application
Return Envelope

cc: Ruby Tarr (w/o enc.)
Christopher J. Daley-Watson (w/o enc.)

C:\Clients\AT&T Wireless Services (10194)\8069US.01\Formal docs to Wahlstrom.doc

ANCHORAGE • BEIJING • BELLEVUE • BOISE • CHICAGO • DENVER • HONG KONG • LOS ANGELES
MENLO PARK • OLYMPIA • PORTLAND • SAN FRANCISCO • SEATTLE • WASHINGTON, D.C.

Perkins Coie LLP (Perkins Coie LLC in Illinois)

ASSIGNMENT BY INVENTORS

This Assignment is by Donald P. Wahlstrom and Praveen Mehrotra (the "Assignors"), residing at 16536-189th Avenue N.E., Woodinville, Washington 98072; and 13303 East Mission Avenue, Apt. 75, Spokane, Washington 99216, respectively. The Assignors have invented one or more certain inventions (the "Invention(s)") described in a Patent application for Letters Patent of the United States entitled **SYSTEM AND METHOD OF ASSIGNING PRIORITY TO REMOTE UNITS IN A COLLISION FREE MULTIPLE ACCESS PROTOCOL** (the "Application"), already filed on July 24, 2003 as U.S. Application No. 10/627,192.

AT&T Wireless Services, Inc., a Corporation of Washington having its principal place of business at P. O. Box 97061, Redmond, Washington 98073-9761 ("Assignee"), desires to acquire the entire right, title and interest in and to the Invention(s) and the Application, and in and to any patents (collectively, "Patents") that may be granted for the Invention(s) in the United States or in any foreign countries.

For valuable consideration, the receipt and sufficiency of which Assignors acknowledge, Assignors hereby sell, assign, and transfer to Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to: the Invention(s), the Application, and any Patents; any divisions, continuations, and continuations-in-part of the Application and any other application claiming priority rights from the Application; any reissues, reexaminations, or extensions of any and all Patents; the right to file foreign applications directly in the name of Assignee; and the right to claim priority rights deriving from the Application (collectively, the "Rights"). Assignors warrant that Assignors own the Rights, and that the Rights are unencumbered. Assignors also agree to not sign any writing or do any act conflicting with this assignment, and, without further compensation, sign all documents and do such additional acts as Assignee deems necessary or desirable to: perfect Assignee's enjoyment of the Rights; conduct proceedings regarding the Rights, including any litigation or interference proceedings; or perfect or defend title to the Rights. Assignors request the Commissioner of Patents to

issue any Patent of the United States that may be issued on the Invention(s) to Assignee.
This Assignment may be executed in counterparts.

Donald P. Wahlstrom

Date: _____

United States of America)
State of _____) ss.:
County of _____)

On this _____ day of _____, 2004, before me
personally came Donald P. Wahlstrom, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.

Notary Public

Praveen Mehrotra

Date: _____

United States of America)
State of) ss.:
County of)

On this _____ day of _____, 2004, before me
personally came Praveen Mehrotra, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.

Notary Public

Declaration for Patent Application English Language Declaration		Attorney Docket No.	101948069US1																					
		First Named Inventor	Donald P. Wahstrom																					
		COMPLETE IF KNOWN:																						
<input type="checkbox"/> Submitted with initial filing <input checked="" type="checkbox"/> Submitted after initial filing (surcharge required 37 CFR 1.16(e))		Application No.	10/627,192-Conf. #2691																					
		Filing Date	July 24, 2003																					
		Art Unit	Not Yet Assigned																					
		Examiner	Not Yet Assigned																					
<p>As a below named inventor, I hereby declare that:</p> <p>My residence, mailing address and citizenship are as stated below next to my name.</p> <p>I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:</p> <p>SYSTEM AND METHOD OF ASSIGNING PRIORITY TO REMOTE UNITS IN A COLLISION FREE MULTIPLE ACCESS PROTOCOL</p> <p>the specification of which</p> <p><input type="checkbox"/> is attached hereto OR <input checked="" type="checkbox"/> was filed on <u>07/24/2003</u> as United States Application No. or PCT International Application No. <u>10/627,192</u> and was amended on _____ (if applicable).</p> <p>I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.</p> <p>I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application.</p> <p>I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's right certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.</p> <p>Prior Foreign Application(s)</p> <table border="1"> <thead> <tr> <th>(Number)</th> <th>(Country)</th> <th>(Filing Date)</th> <th>Priority Not Claimed</th> <th>Certified Copy Attached</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </tbody> </table> <p><input type="checkbox"/> Additional prior foreign applications are listed on a supplemental data sheet attached hereto.</p>					(Number)	(Country)	(Filing Date)	Priority Not Claimed	Certified Copy Attached	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO
(Number)	(Country)	(Filing Date)	Priority Not Claimed	Certified Copy Attached																				
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_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/> YES <input type="checkbox"/> NO																				

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor

Donald P. Wahlstrom

Sole or first inventor's signature

Date

Residence

Woodinville, Washington

Citizenship US

Mailing Address

16536-189th Avenue N.E.
Woodinville, Washington 98072

Full name of second inventor

Praveen Mehrotra

Second inventor's signature

Date

Residence

Spokane, Washington

Citizenship India

Mailing Address

13303 East Mission Avenue, Apt. 75
Spokane, Washington 99216

SYSTEM AND METHOD OF ASSIGNING PRIORITY TO REMOTE UNITS IN A
COLLISION FREE MULTIPLE ACCESS PROTOCOL

CROSS-REFERENCE TO RELATED APPLICATION(S)

[0001] This application claims priority to U.S. Provisional Patent Application number 60/399,042 filed July 25, 2002, incorporated herein by reference.

BACKGROUND

[0002] Embodiments of the invention relate generally to devices and methods for assigning priority to messages or transmissions in a network.

[0003] The need and desire for users, such as consumers, single home small office (SOHO) users, small businesses, etc., for telecommunications services continues to increase dramatically. Users desire faster Internet connections, facsimile service, telephone service, etc., in order to take advantage of the connectivity that each of these services provides. In response, many telecommunications companies have created a large amount of bandwidth capacity on long-haul transmission routes (the backbone network infrastructure) through the use of fiber-optic networks, which can transmit data at speeds in excess of 10 gigabytes per second (Gbps). A disconnect exists, however, between the backbone networks and the local loops of local exchange carriers. The connection between the local exchange carriers and the end users, particularly smaller users, is still mostly twisted pair copper cable instead of high-speed fiber-optic cable. This failure to provide high-speed connections for "the last mile" has resulted in a bandwidth bottleneck between the increasing data needs of users and the high-speed backbone network.

[0004] One solution to this bottleneck is to lay high-speed fiber-optic cable directly out to individual users. This solution is both very expensive and slow to implement. Another solution is to utilize existing telephone lines, such as with

FYI BIT B

Reisman, Sandra-SEA

From: iShip_Services@iship.com
Sent: Tuesday, August 03, 2004 11:12 PM
To: Reisman, Sandra-SEA
Subject: Delivery Notification

The shipment to Mr. Donald P. Wahlstrom has been delivered.

=====

SHIPMENT SUMMARY

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SENDER

Perkins Coie LLP
Sandy Reisman
SEATTLE, WA 98101-3099

RECIPIENT

Mr. Donald P. Wahlstrom

WOODINVILLE, WA 98072-9172 US

SHIPPED THROUGH
PERKINS COIE
206-583-8888

PACKAGE INFORMATION

Carrier Pak
1.00 lb. (billed weight)

CARRIER & SERVICE
FedEx Priority Overnight

SHIPMENT TRACKING & REFERENCE
Tracking No.: 790719618264
Shipment ID: MAQ1NYNEZ81F6
Client/Matter Number: 10194.8069.US01
Perkins Coie User ID (first 4 char. of email): canab

SHIP DATE
Monday, August 2, 2004

DELIVERY DATE
Tuesday, August 3, 2004 09:24 AM

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TRACKING INFORMATION

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To get complete tracking information, click the following link:

<http://iship.com/track/trk.asp?t=MAQ1NYNEZ81F6>

=====

QUESTIONS OR CONCERNS ABOUT THIS SHIPMENT?

=====

If you have questions regarding this shipment, have the carrier tracking number ready and then contact directly:



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Wahlstrom et al.
Filed : July 24, 2003
Application No. : 10/627,192
For : SYSTEM AND METHOD OF ASSIGNING PRIORITY TO
REMOTE UNITS IN A COLLISION FREE MULTIPLE
ACCESS PROTOCOL

Docket No. : 101948069US1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF FACTS UNDER 37 CFR 1.47(A)

Sir:

I, Christopher Daley-Watson, hereby declare and say that:

1. I am the Attorney of Record at Perkins Coie LLP in the prosecution of the above patent application.
2. I am familiar with and have first-hand knowledge of the facts recited below.
3. The above-identified application is a continuation of U.S. Provisional Application 60/399,042. This provisional application included the name of Don Wahlstrom as a joint inventor, as well as a copy of an Assignment signed by Don Wahlstrom, the non-signing inventor. (See Exhibit A, a copy of the Assignment executed by Don Wahlstrom on October 22, 2001.)

4. A bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings and oath or declaration) to the non-signing inventor for signature. (M.P.E.P. 409.03(d)). The exact facts which are relied upon to establish this bona fide attempt to have the joint inventor, Don Wahlstrom, sign the Declaration are as follows:

a. On August 2, 2004, I spoke with Don Wahlstrom, the non-signing inventor, and based on our conversation it appeared he was willing to sign the declaration.

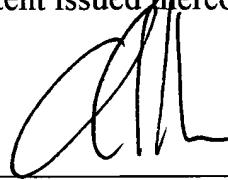
b. On September 14, 2004, I was informed by the legal secretary working on this patent application, Lana Anthony, that despite several attempts since my conversation with Don Wahlstrom on August 2, 2004, he has not executed the Declaration, nor made any additional contact. Based on this knowledge, I sent email correspondence to Don Wahlstrom requesting he execute and transmit the Declaration. (See Exhibit B). No response was received, nor a response indicating that the email correspondence could not be delivered, thus do I presume my email was delivered.

5. Based on the foregoing, and copies of the documentary evidence submitted herewith, it is clear that the inventor's conduct constitutes either a refusal to sign or an unavailability of an inventor under 37 C.F.R. 1.47(a).

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false

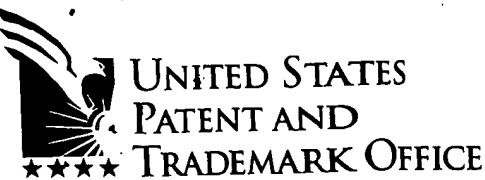
statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issued thereon.

Dated this 21st day of September, 2004.



Christopher J. Daley-Watson
Attorney of Record
Perkins Coie LLP
P.O. Box 1247
Seattle, WA 98111-1247
(206) 359-3744

EXHIBIT A



OCTOBER 10, 2002

PERKINS COIE LLP
CHRISTOPHER DALEY-WATSON
PO BOX 1247
SEATTLE, WA 98111-1247

PTAS

Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

RECEIVED

OCT 16 2002



102183642A

PERKINS COIE

SEP 21 2004 UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/25/2002

REEL/FRAME: 013162/0037
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
WAHLSTROM, DON

DOC DATE: 10/22/2001

ASSIGNOR:
MEHROTRA, PRAVEEN

DOC DATE: 10/22/2001

ASSIGNEE:
AT&T WIRELESS SERVICES, INC.
14520 NE 87TH STREET
REDMOND, WASHINGTON 98052SERIAL NUMBER: 60399042
PATENT NUMBER:FILING DATE: 07/25/2002
ISSUE DATE:MARCUS KIRK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

J8-09-2002

COVER SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

1696966690 US



102183642

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original document or copy thereof.

1. Name(s) of conveying party(ies):

- 1) DON WAHLSTROM
 2) PRAVEEN MEHROTRA
 3)
 4)
 5)
 6)

M2D
7/25/02Additional names of conveying parties attached? Yes No

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Dates:

- 1) 10/22/01 4)
 2) 10/22/01 5)
 3) _____ 6)

4. Application number(s) or registration number(s):

60399042

If this document is being filed together with a new application,
the execution date of the application is July 25, 2002.

A. Patent Application No(s).

07/31/2002 SMINASS1 00000106 60399042

40.00 DP

Additional numbers attached?

B. Patent No(s).

 Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: PERKINS COIE LLPInternal Address: PATENT-SEAChristopher Daley-WatsonStreet Address: P.O. Box 1247City: SEATTLE State: WA ZIP: 98111-12476. Total number of applications and patents involved 17. Total Fee (37 CFR 3.41): _____ Enclosed Authorized to be charged to deposit account8. Deposit account number: _____

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*CHRISTOPHER DALEY-WATSON

Name of Person Signing

Signature

JULY 25, 2002

Date

Total number of pages including cover sheet, attachments, and document: 6



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wahlstrom and Mehrotra
Filed : Herewith
For : METHOD OF ASSIGNING PRIORITY TO REMOTE UNITS IN A COLLISION FREE MULTIPLE ACCESS PROTOCOL

Docket No. : 101948069US
Date : July 25, 2002

Commissioner for Patents
Washington, DC 20231

Sir:

The Applicant requests that this document be recorded with the attached assignment from inventors Don Wahlstrom and Praveen Mehrotra to AT&T Wireless Services, Inc. The assignment contains information that, although correct at the time that the assignment was executed, has changed since the assignment was executed.

First, inventor Praveen Mehrotra's address has changed. His new address is: 13303 E. Mission Ave Apt. 75, Spokane, WA 99216. Second, the title of the invention has been revised to: SYSTEM AND METHOD OF ASSIGNING PRIORITY TO REMOTE UNITS IN A COLLISION FREE MULTIPLE ACCESS PROTOCOL. Third, the internal reference number has changed to: 101948069US. Applicant respectfully requests that the assignment be recorded for application filed herewith as was intended by the parties.

Respectfully submitted,

PERKINS COIE LLP

7/25/02

Date

Christopher J. Daley-Watson
Registration No. 34,807

ASSIGNMENT

WHEREAS, we, Don Wahlstrom and Praveen Mehrotra ("ASSIGNORS"), having post office addresses of 16536 189th Avenue NE, Woodinville, Washington 98072 and 8500 148th Avenue NE, Apt. EE1110, Redmond, Washington 98052, respectively, are the joint inventors of an invention entitled "PRIORITY ASSIGNMENT TO RU'S FOR UPLINK CHANNEL ACCESS IN CFMA (COLLISION FREE MULTIPLE ACCESS) PROTOCOL USING OFDM TONES," as described in an Invention Disclosure (internal reference number STG 217) which will form the basis of one or more applications for United States letters patent or patents;

WHEREAS, AT&T Wireless Services, Inc. ("ASSIGNEE"), a corporation of the State of Delaware, having a place of business at 14520 NE 87th Street, Redmond, Washington 98052, is desirous of acquiring the entire right, title, and interest in and to the invention and in and to any patents that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNORS hereby sell, assign, and transfer unto ASSIGNEE, its legal representatives, successors, and assigns, the entire right, title and interest in and to the invention as set forth above, including any associated patent applications, continuations, continuations-in-part, divisions, reissues, re-examinations, or extensions thereof, any other inventions described in the application, and any and all patents of the United States of America and all foreign countries that may be issued for the invention, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from the United States application to which foreign applications are entitled by virtue of international convention, treaty or otherwise, the invention, application and all patents on the invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have

been held and enjoyed by ASSIGNORS had this assignment, transfer, and sale not been made.

UPON THE ABOVE-STATED CONSIDERATIONS, ASSIGNORS agree to not execute any writing or do any act whatsoever conflicting with this assignment, and at any time upon request, without further or additional consideration but at the expense of ASSIGNEE, execute all instruments and documents and do such additional acts as ASSIGNEE may deem necessary or desirable to perfect ASSIGNEE's enjoyment of this grant, and render all necessary assistance required for the making and prosecution of applications for United States and foreign patents on the invention, for litigation regarding the patents, or for the purpose of protecting title to the invention or patents therefor.

ASSIGNORS authorize and request the Commissioner of Patents and Trademarks to issue any Patent of the United States that may be issued for the invention to ASSIGNEE.

10/22/01

Date

State of Washington)

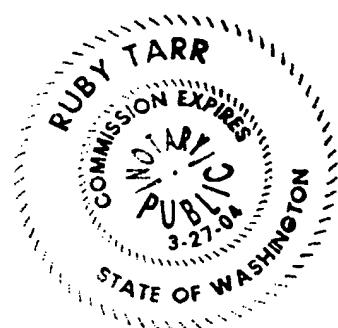
County of King)

Don Wahlstrom

Don Wahlstrom

ss.

I certify that I know or have satisfactory evidence that Don Wahlstrom is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated October 22, 2001

Signature of
Notary Public Ruby Tarr

Printed Name Ruby Tarr

My appointment expires 3-27-2004

10-22-01

Date

State of Washington)
)

County of King)

Praveen

Praveen Mehrotra

ss.

I certify that I know or have satisfactory evidence that Praveen Mehrotra is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated October 22, 2001

Signature of
Notary Public Ruby Tarr

Printed Name Ruby Tarr

My appointment expires 3-27-04



B

Smith, Michael J.(Mike)-SEA



From: Daley-Watson, Christopher J.-SEA
Sent: Tuesday, September 14, 2004 8:48 AM
To: 'don_wahlstrom@hotmail.com'
Cc: Anthony, Lana-SEA; Smith, Michael J.(Mike)-SEA
Subject: URGENT signature documents needed

Importance: High

Re: Formal Docs. For 798.US (System and Method of Assigning Priority to Remote Units . . .)
Our File No.: 10194-8069.US01

Hi Don:

My secretary brought it to my attention today that we have yet not received the signature documents for this invention of yours. We must file a response by Monday next week (Sept. 20).

Please let me know if you will be sending us the signed documents in time for our deadline. As mentioned previously, you need only sign and date the documents; they do not have to be notarized. We will also be happy to send a messenger if this works best for your schedule. If you will not be sending the documents, then we will need to take other measures, but need to know how to proceed now.

The courtesy of a reply would be greatly appreciated Don. Thank you for your help.

-Christopher Daley-Watson
Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Tel: (206) 359-3599
Fax: (206) 359-4599
Cell: (206) 465-1416
CDaleyWatson@PerkinsCoie.com



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Wahlstrom et al.
Filed : July 24, 2003
Application No. : 10/627,192
For : SYSTEM AND METHOD OF ASSIGNING PRIORITY TO
REMOTE UNITS IN A COLLISION FREE MULTIPLE
ACCESS PROTOCOL

Docket No. : 101948069US1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF FACTS UNDER 37 CFR 1.47(A)

Sir:

I, Lana Anthony, hereby declare and say that:

1. I am the legal secretary who has assisted Attorney Christopher Daley-Watson at Perkins Coie LLP in the prosecution of the above patent application.
2. I am familiar with and have first-hand knowledge of the facts recited below.
3. The above-identified application is a continuation of U.S. Provisional Application 60/399,042. This provisional application included the name of Don Wahlstrom as a joint inventor, as well as a copy of an Assignment signed by Don Wahlstrom, the non-signing inventor. (See Exhibit A, a copy of the Assignment executed by Don Wahlstrom on October 22, 2001.)

4. A bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings and oath or declaration) to the non-signing inventor for signature. (M.P.E.P. 409.03(d)). The exact facts which are relied upon to establish this bona fide attempt to have the joint inventor, Don Wahlstrom, sign the Declaration are as follows:

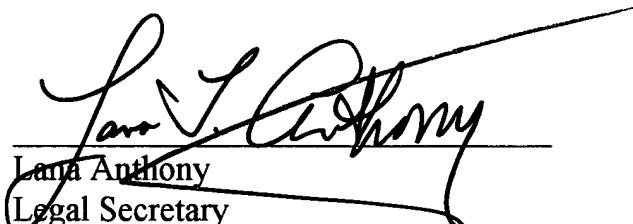
- a. On August 2, 2004, I spoke with Don Wahlstrom, the non-signing inventor, and based on our conversation it appeared he was willing to sign the declaration.
- b. On August 17, 2004, I followed up our conversation on August 2, 2004 by sending email correspondence to Don Wahlstrom requesting he forward a signed Declaration as soon as possible. (See Exhibit B).
- c. On August 17, 2004, I received email correspondence from Don Wahlstrom indicating he had a conversation with Christopher Daley-Watson on August 2, 2004 and asking if he needed to have a notary present when signing the Declaration. (See Exhibit C).
- c. On August 17, 2004, I replied to the email correspondence dated August 2, 2004 by Don Wahlstrom indicating that it was not necessary to have the Declaration notarized. (See Exhibit C). No response was received.
- d. On August 27, 2004, I followed up with email correspondence to Don Wahlstrom. (See Exhibit C). No response was received.

e. On September 9, 2004, I followed up with email correspondence to Don Wahlstrom. (See Exhibit C). No response was received.

f. On September 14, 2004, I informed the Attorney of Record, Christopher Daley-Watson, the previous attempts were made to have Don Wahlstrom execute the Declaration but no response has been received.

The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issued thereon.

Dated this 21st day of September, 2004.



Linda Anthony
Legal Secretary
Perkins Coie LLP
P.O. Box 1247
Seattle, WA 98111-1247
(206) 359-3744



OCTOBER 10, 2002

PERKINS COIE LLP
CHRISTOPHER DALEY-WATSON
PO BOX 1247
SEATTLE, WA 98111-1247

PTAS

Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

RECEIVED

OCT 16 2002



102183642A

PERKINS COIE

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/25/2002

REEL/FRAME: 013162/0037
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
WAHLSTROM, DON

DOC DATE: 10/22/2001

ASSIGNOR:
MEHROTRA, PRAVEEN

DOC DATE: 10/22/2001

ASSIGNEE:
AT&T WIRELESS SERVICES, INC.
14520 NE 87TH STREET
REDMOND, WASHINGTON 98052SERIAL NUMBER: 60399042
PATENT NUMBER:FILING DATE: 07/25/2002
ISSUE DATE:MARCUS KIRK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

J8-09-2002



102183642

COVER SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner ... Please record the attached original document or copy thereof.

1. Name(s) of conveying party(ies):

- 1) DON WAHLSTROM
2) PRAVEEN MEHROTRA
3)
4)
5)
6)

M725102

Additional names of conveying parties attached? Yes No

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Dates:

- 1) 10/22/01 4)
2) 10/22/01 5)
3) _____ 6)

4. Application number(s) or registration number(s):

*60399042*If this document is being filed together with a new application,
the execution date of the application is July 25, 2002.

A. Patent Application No(s).

07/31/2002 SMINASS1 00000106 60399042

02 FC:581

40.00 OP

Additional numbers attached?

B. Patent No(s).

 Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: PERKINS COIE LLPInternal Address: PATENT-SEAChristopher Daley-WatsonStreet Address: P.O. Box 1247City: SEATTLE State: WA ZIP: 98111-12476. Total number of applications and patents involved 17. Total Fee (37 CFR 3.41): _____ Enclosed Authorized to be charged to deposit account8. Deposit account number: _____

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

CHRISTOPHER DALEY-WATSON

Name of Person Signing

Signature

JULY 25, 2002

Date

Total number of pages including cover sheet, attachments, and document: 6



1 EL696966690US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wahlstrom and Mehrotra
Filed : Herewith
For : METHOD OF ASSIGNING PRIORITY TO REMOTE UNITS IN A
COLLISION FREE MULTIPLE ACCESS PROTOCOL

Docket No. : 101948069US
Date : July 25, 2002

Commissioner for Patents
Washington, DC 20231

Sir:

The Applicant requests that this document be recorded with the attached assignment from inventors Don Wahlstrom and Praveen Mehrotra to AT&T Wireless Services, Inc. The assignment contains information that, although correct at the time that the assignment was executed, has changed since the assignment was executed.

First, inventor Praveen Mehrotra's address has changed. His new address is: 13303 E. Mission Ave Apt. 75, Spokane, WA 99216. Second, the title of the invention has been revised to: SYSTEM AND METHOD OF ASSIGNING PRIORITY TO REMOTE UNITS IN A COLLISION FREE MULTIPLE ACCESS PROTOCOL. Third, the internal reference number has changed to: 101948069US. Applicant respectfully requests that the assignment be recorded for application filed herewith as was intended by the parties.

Respectfully submitted,

PERKINS COIE LLP

7/25/02

Date

Christopher J. Daley-Watson
Registration No. 34,807

ASSIGNMENT

WHEREAS, we, Don Wahlstrom and Praveen Mehrotra ("ASSIGNORS"), having post office addresses of 16536 189th Avenue NE, Woodinville, Washington 98072 and 8500 148th Avenue NE, Apt. EE1110, Redmond, Washington 98052, respectively, are the joint inventors of an invention entitled "PRIORITY ASSIGNMENT TO RU'S FOR UPLINK CHANNEL ACCESS IN CFMA (COLLISION FREE MULTIPLE ACCESS) PROTOCOL USING OFDM TONES," as described in an Invention Disclosure (internal reference number STG 217) which will form the basis of one or more applications for United States letters patent or patents;

WHEREAS, AT&T Wireless Services, Inc. ("ASSIGNEE"), a corporation of the State of Delaware, having a place of business at 14520 NE 87th Street, Redmond, Washington 98052, is desirous of acquiring the entire right, title, and interest in and to the invention and in and to any patents that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNEE hereby sell, assign, and transfer unto ASSIGNEE, its legal representatives, successors, and assigns, the entire right, title and interest in and to the invention as set forth above, including any associated patent applications, continuations, continuations-in-part, divisions, reissues, re-examinations, or extensions thereof, any other inventions described in the application, and any and all patents of the United States of America and all foreign countries that may be issued for the invention, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from the United States application to which foreign applications are entitled by virtue of international convention, treaty or otherwise, the invention, application and all patents on the invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have

been held and enjoyed by ASSIGNORS had this assignment, transfer, and sale not been made.

UPON THE ABOVE-STATED CONSIDERATIONS, ASSIGNORS agree to not execute any writing or do any act whatsoever conflicting with this assignment, and at any time upon request, without further or additional consideration but at the expense of ASSIGNEE, execute all instruments and documents and do such additional acts as ASSIGNEE may deem necessary or desirable to perfect ASSIGNEE's enjoyment of this grant, and render all necessary assistance required for the making and prosecution of applications for United States and foreign patents on the invention, for litigation regarding the patents, or for the purpose of protecting title to the invention or patents therefor.

ASSIGNORS authorize and request the Commissioner of Patents and Trademarks to issue any Patent of the United States that may be issued for the invention to ASSIGNEE.

10/22/01

Date

State of Washington

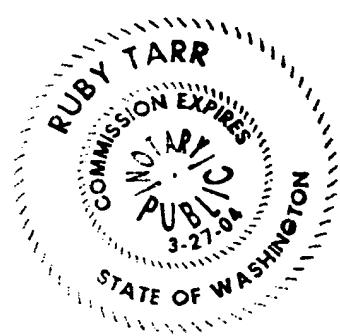
County of King

Don Wahlstrom

Don Wahlstrom

ss.

I certify that I know or have satisfactory evidence that Don Wahlstrom is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated October 22, 2001

Signature of
Notary Public Ruby Tarr

Printed Name Ruby Tarr

My appointment expires 3-27-2004

10-22-01

Date

State of Washington)

County of Kings)

Mbaueck

Praveen Mehrotra

ss.

I certify that I know or have satisfactory evidence that Praveen Mehrotra is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated October 22, 2021

**Signature of
Notary Public** Bobby J. Lee

Printed Name Riley Larr

My appointment expires 3-31-04

EXHIBIT B

Anthony, Lana-SEA

From: Anthony, Lana-SEA
Sent: Tuesday, August 17, 2004 2:18 PM
To: 'don_wahlstrom@hotmail.com'
Subject: Formal Docs for 798.US (System and Method of Assigning Priority to Remote Units . . .)

Importance: High
Sensitivity: Personal

Hello Don:

You spoke with Christopher Daley-Watson and me on August 2nd. The formal papers (for the above-referenced matter) were forwarded to you that same day. Our filing date, August 21, 2004, is fast approaching. We would really appreciate receiving the signed/notarized papers before this coming Friday.

Thanks so much, and please let me know if you have any questions.

Lana T. Anthony
Legal (Patent) Secretary to C. Daley-Watson
Perkins Coie LLP
1201 Third Avenue, Ste. 4800
Seattle, WA 98101-3099
Tele: (206) 359-3920
Fax: (206) 359-4920
LAnthony@perkinscoie.com

EXHIBIT C

In notes 7/up

Anthony, Lana-SEA

From: Anthony, Lana-SEA
Sent: Thursday, September 09, 2004 11:29 AM
To: 'don_wahlstrom@hotmail.com'
Subject: FW: Formal Docs for 798.US (System and Method of Assigning Priority to Remote Units . . .)

Importance: High

Don: I was under the impression that you had already sent the documents (per previous email). After checking the file and asking the paralegal involved on this matter, I discovered no documents were mailed to us. Please let me know when we can expect these formal papers. Can we send a messenger to pick them up? I would very much appreciate hearing from you.

Thanks,

Lana T. Anthony

-----Original Message-----

From: Anthony, Lana-SEA
Sent: Friday, August 27, 2004 3:12 PM
To: 'Don'
Subject: FW: Formal Docs for 798.US (System and Method of Assigning Priority to Remote Units . . .)
Importance: High

Hello Don: I have not received your papers in the mail as yet. When did you send them please?

Thanks so much,

Lana T. Anthony

-----Original Message-----

From: Anthony, Lana-SEA
Sent: Tuesday, August 17, 2004 3:02 PM
To: 'Don'
Subject: RE: Formal Docs for 798.US (System and Method of Assigning Priority to Remote Units . . .)

Hi Don:

You are correct.

I just spoke to Christopher, and he said indeed YOU DO NOT HAVE TO NOTARIZE the documents. Simply sign and date where indicated, and return to us in the envelope provided.

Thanks so much for your cooperation Don.

Sincerely,

Lana T. Anthony

-----Original Message-----

From: Don [mailto:don_wahlstrom@hotmail.com]
Sent: Tuesday, August 17, 2004 2:39 PM
To: Anthony, Lana-SEA
Subject: Re: Formal Docs for 798.US (System and Method of Assigning Priority to Remote Units . . .)

Hello Lana,

When I spoke to Christopher Daley about the papers I asked him if I needed to have them notarized and he said no, my signature was enough. The paper I received and now your email state that I do indeed need to have them notarized. Which is it? BTW, I don't have access to a notary.

Don Wahlstrom

----- Original Message -----

From: "Anthony, Lana-SEA" <LAnthony@perkinscoie.com>
To: <don_wahlstrom@hotmail.com>
Sent: Tuesday, August 17, 2004 2:18 PM
Subject: Formal Docs for 798.US (System and Method of Assigning Priority to Remote Units . . .)

>
> Hello Don:
>
> You spoke with Christopher Daley-Watson and me on August 2nd. The formal
> papers (for the above-referenced matter) were forwarded to you that same
> day. Our filing date, August 21, 2004, is fast approaching. We would
> really appreciate receiving the signed/notarized papers before this coming
> Friday.
>
> Thanks so much, and please let me know if you have any questions.
>
> Lana T. Anthony
> Legal (Patent) Secretary to C. Daley-Watson
> Perkins Coie LLP
> 1201 Third Avenue, Ste. 4800
> Seattle, WA 98101-3099
> Tele: (206) 359-3920
> Fax: (206) 359-4920
> LAnthony@perkinscoie.com
>
>
>
> NOTICE: This communication may contain privileged or other confidential
> information. If you have received it in error, please advise the sender by
> reply email and immediately delete the message and any attachments without
> copying or disclosing the contents. Thank you.
>